In Re: Petition for Special Hearing S/S Franklin Square Drive 14th Election District, 6th

\* ZONING COMMISSIONER Councilmanic District \* OF BALTIMORE COUNTY Whitesquare Limited Partnership \* Case No. 89-24-SPH

\* BEFORE THE

and Franklin Square Hospital Center, Inc., Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to permit an amendment to Special Exception 83-12-XA to permit an addition to the medical office building permitted by a special exception in an RO zone. The existing medical office building on the site contains 67,165 square feet and the proposed addition is \approximately 5,000 square feet bringing the proposed total to 372,165 square feet, more or less. The Petitioners requested at The hearing to expand the special exception to 73,000 square feet.

The special exception in 83-12-XA initially approved construction of an office building of 95,000 square feet. Subsequent to the CRG meeting on the approved plan, the plans were revised downward to 60,000 square feet and that change was approved by the Deputy Zoning Commission on December 14, 1983 as being within the spirit and intent of the original Order.

Frank Palmer appeared and testified for the Petitioner, WHITESQUARE LIMITED PARTNERSHIP, and Carl Schindelar, Senior Vice President, appeared and testified for FRANKLIN SQUARE HOSPITAL CENTER, INC. Both Petitioners were represented by Robert J. Ryan,

Esquire. George E. Gavrelis, an expert witness with Daft-McCune-Walker, Inc., appeared and testified on behalf of the Petitioners. There were no protestants.

The testimony indicated that the subject property is zoned RO. The site is owned by FRANKLIN SQUARE HOSPITAL CENTER, INC. and leased to WHITESQUARE LIMITED PARTNERSHIP under a long term land lease. Whitesquare is the owner of a medical office building on the site. The medical office building is essentially fully leased.

The proposed addition is to be leased to a tenant for the operation of a diagnostic imaging center. The center will bring the latest diagnostic imaging machinery, equipment, and technology to the Franklin Square Hospital campus where it will serve residents who are treated within the greater Franklin Square Hospital service area. The new facility will house computed Stomography ("C.A.T.") and magnetic resonance imaging ("M.R.I.") diagnostic imaging equipment, and will bring this technology to the eastern end of Baltimore County for the first time. Similar equipment is already located on the campuses of other hospitals in Baltimore County and in private physicians offices. Mr. Schindelar testified that there was a need to develop these diagnostic imaging services in the vicinity of Franklin Square Hospital to meet the health care needs of the individuals living in that area.

502.1 of the Baltimore County Zoning Regulations ("BCZR"). The Office of Planning and Zoning filed a memorandum in support of the granting of the request, recognizing the need for the facility and the appropriateness of the location. Petition-

improvements for the subject property and had determined that the

relief requested meets all of the conditions precedent to Section

Mr. Gavrelis testified that he had reviewed the proposed

ers' counsel noted that the proposed use is is consistent with the Perry Hall-White Marsh plan adopted by the County Council on February 4, 1985 which encouraged the necessary office development associated with Franklin Square Hospital to be developed on Franklin Square Drive.

Based upon the testimony and evidence presented, the proposed addition to the existing medical office building on the belief property is in compliance with the conditions and tandards set forth in Section 502 of the BCZR. The existing medical office building has not in any way created a problem and Mas always been compatible with the site and the surrounding community. The proposed addition will be in compliance with all coning requirements, including the new parking requirements of Bill 26-88.

The Petitioners have the burden of producing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. The Petitioners have met this burden, and have shown that the proposed use would be conducted without real detriment to the

neighborhood and would not adversely affect the public interest. The proposed use would, in fact, be in the interest of the public because it will permit the Petitioners to bring to the community new diagnostic imaging capabilities to serve medical care needs of the public. The facts and circumstances of the proposed use by the Petitioners do not show that the proposed use at the particular location described in Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981).

After due consideration of the testimony and the evidence presented, it appears that the requested amendment to the \special exception previously granted should be granted to permit Ithe construction of the addition to the medical office building. In the opinion of the Deputy Zoning Commissioner, the proposed facility satisfies Schultz v. Pritts, 432 A2d 1319 (1981). It is the opinion of the Deputy Zoning Commissioner that the addition to the medical office building is within the spirit and intent of the BCZR, and within the spirit and intent of the special ry exception as originally granted by the Deputy Zoning Commissioner.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the action requested in this special hearing should be granted.

	<b>U</b>
PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  89-24-	•
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for described in the description and plat attached hereto and made a part hereof, hereby petition for described in the description and plat attached hereto and made a part hereof, hereby petition for described in the description and plat attached hereto and made a part hereof, hereby petition for described in the description and plat attached hereto and made a part hereof, hereby petition for described in the description and plat attached hereto and made a part hereof, hereby petition for described in the description and plat attached hereto and made a part hereof, hereby petition for described in the description and plat attached hereto and made a part hereof, hereby petition for described in the description and plat attached hereto and made a part hereof, hereby petition for described in the description and plat attached hereto and made a part hereof, hereby petition for described in the description and plat attached hereto and made a part hereof, hereby petition for described in the description and plat attached hereto and made a part hereof, hereby petition for described in the description for described in the description and plat attached hereto and made a part hereof, hereby petition for described in the description for described in the described in the described in the description for described in the described in t	JAP NE
an amendment to special exception	n o. 14

in an RO zone. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon ing of this Petition, and further agree to and are to be bound by the zoning regulations and restricts tions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, Prior Case under the penalties of perjury, that I/we 87-176-A are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Contract Purchaser: WHITESQUARE LIMITED PARTNERSHIP (Type or Print Name) Ground Lessee Dare Deser (Type or Print Name)

Senior Vice President City and State Attorney for Petitioner: MOORE, CARNEY, RYAN & LATTANZI (Type or Print Name) Signature ROBERT J. RYAN Name, address and phone number MONEGAR MANNEY XXXX XXXXX RUPPLANT OR representative to be contacted 4111 East Joppa Road GEORGE GAVRELIS Baltimore, Maryland 21236 Name Daft, McCune & Walker

Attorney's Telephone No.: 529-4600 ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

200 E. Pennsylvania Ave., Towson, 21204

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

August 10, 1988

Robert J. Ryan, Esquire Moore, Carney, Ryan & Lattanzi 4111 E. Joppa Road Baltimore, Maryland 21236

RE: PETITION FOR SPECIAL HEARING SE/S Franklin Square Drive, 220'+/- NE of Lennings Avenue Franklin Square Hospital - Whitesquare Building (9000 Franklin Square Drive) 14th Election District; 6th Councilmanic District Case No. 89-24-SPH

Dear Mr. Ryan:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

> Very truly yours, a MNotacing

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

AMN:bis

Enclosure

Dennis F. Rasmussen

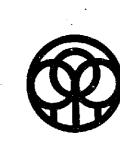
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this \_\_\_\_\_\_day of August, 1988 that the Special Exception 83-12-XA is hereby amended to permit an addition to the medical office building on the site to increase the maximum square foot of office building area on the site to 73,000 square feet, in accordance with Petitioners' Exhibit 1, and as such, the Petition for Special Hearing is hereby granted subject, however, to the following restriction:

1) The Petitioners may apply for a building permit and be granted a permit upon receipt of this Order; however, the Petitioners are hereby made aware that he proceeding at this time is of their own risk until such time as the applicable process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> ANN M. NASTAROWICZ, Deputy Zoning Commissioner of Baltimore County

City and State

DAFT-MCCUNE-WALKER, INC.



200 East Pennsylvania Avenue Towson, Maryland 21204 Telephone: 301—296-3333 Land Planning Consultants Landscape Architects Engineers & Surveyors

Description

To Accompany Zoning Petition
4.93 Acre Parcel

Southeast Side of Franklin Square Drive

Approximately 220 Feet Northeasterly of Lennings Avenue

Fourteenth Election District, Baltimore County, Maryland

Beginning for the same on the southeasterly side of Franklin Square Drive as shown on Baltimore County Bureau of Land Acquisition Plat RW 75-056-1 at a point distant 220 feet northeast of Lennings Avenue said point also being at the beginning point of land which by deed dated June 2, 1982 and recorded among the Land Records of Baltimore County in Liber 6423, Folio 089 was conveyed by Simon H. Mohr and wife to Germar Properties, Limited; thence leaving said point of beginning and binding along the southeasterly side of Franklin Square Drive and running reversely along the last line of the beforementioned deed North 50 degrees 03 minutes 25 seconds East 400.07 feet; thence leaving Franklin Square Drive and binding along the outlines of the beforementioned deed, the following three courses and distances: (1) South 50 degrees 04 minutes 50 seconds East 546.00 feet, thence (2) South 50 degrees 05 minutes 00 seconds West 398.86 feet, and thence (3) North 50 degrees 12 minutes 32 seconds West 546.02 feet to the point of beginning; containing 4.93 acres more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AS IS NOT INTENDED TO BE USED FOR CONVEYANCE.

Our Job Number: 82067E (L82067E)

Merch 21, 1988



RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER

SE/S Franklin Square Dr., 220\*\*

NE:Lennings Ave. (Franklin Square: Hospital/Whitesquare Bldg.)

14th District : BEFORE THE ZONING COMMISSIONER

WHITESCUARE LTD. PARTNERSHIP, : Case No. 89-24-SPH et al., Petitioners

::::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other
proceedings in this matter and of the passage of any preliminary or
final Order.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 14th day of July, 1988, a copy of the foregoing Entry of Appearance was mailed to Robert J. Ryan, Esquire, Moore, Carney, Ryan & Lattanzi, 4111 E. Joppa Rd., Baltimore, MD 21236, Attorney for Petitioners.

Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

## NOTICE OF HEARING



Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 89-24-SPH
SE/S Franklin Square Drive, 220'± NE Lennings Avenue
(Franklin Square Hospital - Whitesquare Building)
14th Election District - 6th Councilmanic
Petitioner(s): Whitesquare Limited Partnership, et al
HEARING SCHEDULED: TUESDAY, AUGUST 9, 1988 at 10:30 a.m.

Special Hearing: An amendment to special exception 83-12XA to permit an addition to the medical office building permitted by the special exception in an RO zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 79-74 SPH

	Towers, Maryland
District 14 Th  Posted for: Special Hear	Date of Posting 7/22/87
Petitioner: White Severy	Hd. Lextrenkia
Location of property: 5E/S	Hy Certainship From Klin Selvis , 220' ME flowing Hra
Location of Signer Fecting From	1/1/29 Sp. 02 , conce 20' Fr. 400 dwg
on property of Philion	700
Remarks:	
Posted by Mistaley Signature	Date of return: 7/79/88
Number of Signe:	

"DUPLICATE

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1983

TOWSON, MD., 1983

THIS IS TO CERTIFY, that the annexed advertisement was public of the Country at 111 W at 1

THE JEFFERSONIAN,

50

371

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner

Robert J. Ryan, Esq. Moore,Cerney, Ryan & Lattenzi 4111 East Jopps Road Saltimore, Maryland 21238

Rok Petition for Special Hearing



Dennis F

CASE NUTEER: 89-24-SPH
SE/S Franklin Square Drive, 220°s HE Lannings Avenue
(Franklin Square Hospital - thitesquare Building)
14th Election District - 6th Councilmanic
Patitioner(e): Whitesquare Limited Partnership, et al
HEARING SCHEDLED: TLESDAY, AUGUST 9, 1988 at 10:30 a.m.

Please be advised that 9697 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 52890

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ACCOUNT S 96.97

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\$ 8000 --- \$ \$ 9 8.8 hearing

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your	petition	has been	n received ar	d accepted	for	filing	this
25th		_	May	1.388 •			ndam (j. 1801.)

Whitesquare Ltd. Partnership ZONING COMMISSIONER & Franklin Square Hospital

Petitioner Center, Inc. Petitioner's Attorney Robert J. Port Received by: James E. Dyer Chairman, Zoning Plans Advisory Committee

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

June 23, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 418,

419 and 420.

Very truly yours. Assistant Traffic Engineer

SEW/RF/pml-b

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke Chief

June 7, 1988

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



Re: Property Owner: Whitesquare Ltd. Partnership - Ground Lessee/ Dennis F. Rasmussen
County Executive Franklin Square Hospital Center, Inc., - Fee Simple Owner Location: SE/S Franklin Sq. Dr., 220' + NE of Lennings Avenue

Item No.: 420

Zoning Agenda: Meeting of 5/31/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( $_{\rm X}$ ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

/jl

BETIMORE COUNTY, MARCAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner

July 11, 1988

P. David Fields, Director
Office of Planning and Zoning

SUBJECT Zoning Petition #89-24-SpH

This office is supportive of the granting of this request, recognizing the need for this type of facility and the appropriateness of the location.

cc: Shirley Hess, People's Counsel J. G. Hoswell Zoning File

cc: Pobert Jr. Ryan, Esq.

CPS-008

Bureau of Engineering

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Department of Traffic Engineering State Roads Commission Bureau of Fire Prevention

> Health Department Project Planning **Building Department** Board of Education Zoning Administration

Development

BALTI MORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 28, 1988

Robert J. Ryan, Esquire Moore, Carney, Ryan & Lattanzi 4111 East Joppa Road Baltimore, Maryland 21204

> RE: Item No. 420 Case No. 89-24-SPH Petitioner: Whitesquare Limited Partnership/ Ground Lessee Franklin Square Hospital Center, Inc.

Fee Simple Owner Petition for Special Hearing

Industrial

Dear Mr. Ryan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted form the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Zoning Plans Advisory Committee

JED: dt

Enclosures

cc: Daft, McCune, Walker Inc. 200 East Pennsylvania Avenue Towson, Maryland 21204

> MOORE, CARNEY, RYAN & LATTANZI ATTORNEYS AT LAW

E. SCOTT MOORE ROBERT E. CARNEY, JR. ROBERT J. RYAN RICHARD E. LATTANZI FRANCIS JOHN GORMAN

JUDITH L. HARCLERODE

4HI E. JOPPA ROAD BALTIMORE, MARYLAND 21236

May 19, 1988

529-4500

Mr. J. Robert Haines Zoning Commissioner 111 West Chesapeake Avenue Towson, Maryland 21204

Re: Petition for Special Hearing, Whitesquare Limited Partnership, Franklin Square Drive 176m 420

Dear Mr. Haines:

On behalf of the petitioners, we request that a hearing on the Petition for Special Hearing be held at the earliest possible date.

The proposed addition to the medical office building is needed for the construction of an imaging center to bring modern diagnostic imaging technology to the patients in the Franklin Square Hospital service area. Some of the equipment has already been ordered because of the market constraints on delivery time and pricing. It is essential that the project proceed as soon as possible so that the facility can be constructed in time to permit the delivery of the equipment.

Thank you for your consideration of this urgent request.

RJR:cl

cc: Mr. George Gavrelis Daft, McCune & Walker

Whitesquare Limited Partnership

Franklin Square Hospital Center, Inc.

